

SENATE BILL 1059

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1; Title 6, Chapter 54 and Title 7, Chapter 3, relative to seizure of property by local governments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 3, is amended by adding a new section thereto, as follows:

§ 6-54-309.

(a) Except as provided in this section, before property is seized by a municipality, the municipality must give written notice to the owner of record of such property by certified mail, return receipt requested. If there is no owner of record of the property, then notice shall be given to the person whom the municipality determines, to the best of the municipality's information, is the rightful owner. Such notice shall contain information on how the owner can appeal such seizure and the process to reclaim the property. The phone number of a person knowledgeable of such seizure and the process to appeal the seizure or reclaim the property shall be in such notice.

(b) The provisions of this act shall not apply to property seized as provided in title 39, chapter 17, part 4, and title 53, chapter 11, part 4, or to any property seized pursuant to a criminal offense.

(c) A municipality may seize property without giving notice as provided in subsection (a) for purposes of ensuring the health, safety and welfare of persons in the municipality. Notice shall be given as provided in subsection (a) as soon as practicable after such seizure.

(d) If seized property is destroyed or damaged, and such property should have been returned to the owner of such property, the municipality destroying or damaging such property shall be responsible for compensating the owner, up to the fair market value of such property. Such compensation shall be provided within sixty (60) days of a claim by the owner for such property.

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 3, Part 1, is amended by adding a new section thereto, as follows:

§ 7-3-106.

(a) Before any property is seized by a metropolitan government for any reason, the metropolitan government must give written notice to the owner of record of such property by certified mail, return receipt requested. If there is no owner of record of the property, then notice shall be given to the person whom the metropolitan government determines, to the best of the metropolitan government's information, is the rightful owner. Such notice shall contain information on how the owner can appeal such seizure and the process to reclaim the property. The phone number of a person knowledgeable of such seizure and the process to appeal the seizure or reclaim the property shall be in such notice.

(b) The provisions of this act shall not apply to property seized as provided in title 39, chapter 17, part 4, and title 53, chapter 11, part 4, or to any property seized pursuant to a criminal offense.

(c) A metropolitan government may seize property without giving notice as provided in subsection (a) for purposes of ensuring the health, safety and welfare of persons in the metropolitan government. Notice shall be given as provided in subsection (a) as soon as practicable after such seizure.

(d) If seized property is destroyed or damaged, and such property should have been returned to the owner of such property, the metropolitan government destroying or damaging such property shall be responsible for compensating the owner, up to the fair market value of such property. Such compensation shall be provided within sixty (60) days of a claim by the owner for such property.

SECTION 3. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding a new section thereto, as follows:

§5-1-128.

(a) Before any property is seized by a county for any reason, the county must give written notice to the owner of record of such property by certified mail, return receipt requested. If there is no owner of record of the property, then notice shall be given to the person whom the county determines, to the best of the county's information, is the rightful owner. Such notice shall contain information on how the owner can appeal such seizure and the process to reclaim the property. The phone number of a person knowledgeable of such seizure and the process to appeal the seizure or reclaim the property shall be in such notice.

(b) The provisions of this act shall not apply to property seized as provided in title 39, chapter 17, part 4, and title 53, chapter 11, part 4, or to any property seized pursuant to a criminal offense.

(c) A county may seize property without giving notice as provided in subsection (a) for purposes of ensuring the health, safety and welfare of persons in the county. Notice shall be given as provided in subsection (a) as soon as practicable after such seizure.

(d) If seized property is destroyed or damaged, and such property should have been returned to the owner of such property, the county destroying or damaging such

property shall be responsible for compensating the owner, up to the fair market value of such property. Such compensation shall be provided within sixty (60) days of a claim by the owner for such property.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.